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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ANYSA NGETHPHARAT, individually,
11 JAMES KELLEY, individually and on
behalf of all persons similarly situated,

12 Plaintiffs,

13 v.

14 STATE FARM MUTUAL INSURANCE
15 COMPANY, STATE FARM MUTUAL
AUTOMOBILE INSURANCE
16 COMPANY,

17 Defendants.

18 FAYSAL JAMA, individually and on
behalf of all persons similarly situated,

19 Plaintiff,

20 v.

21 STATE FARM FIRE AND CASUALTY
COMPANY,

22 Defendant.
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CASE NO. C20-454 MJP

ORDER ON MOTION TO COMPEL

1 This matter comes before the Court on Plaintiffs' Motion to Compel. (Dkt. No. 151.)
2 Having reviewed the Motion and supporting materials and held oral argument on August 6, 2021
3 during which the Court GRANTED the Motion on the record, the Court issues the following
4 Order memorializing the Court's decision.

5 As explained to the Parties during the hearing on August 6, 2021, Plaintiffs have
6 demonstrated that the information sought for a sample of 1,820 claim files is relevant and
7 proportional to the needs of this case. The information is relevant to damages and to address the
8 accuracy of a potential damages calculation using representative evidence. Using a sample of
9 1,820 is a reasonable means of producing a narrow confidence interval within a \$100 band,
10 which should aid the jury if it is ultimately presented with this information. And Plaintiffs have
11 shown that Defendants are best placed to produce this information, rather than Audatex, given
12 that the data Defendants have are more complete and the burden is more properly borne by a
13 party, not a non-party.

14 To narrow any undue burden on Defendants, the Court ORDERS Defendants to produce
15 the entire claim file for the sample of 1,820 claims without any additional review. This
16 effectively shifts the roughly 300 hours of review to Plaintiffs, rather than Defendants. The Court
17 further ORDERS Defendants to produce the TLST field and property damage notes portion of
18 each claim file given that these can be produced using the electronic/automated processes
19 Defendants discussed. Plaintiffs will be required to extract from the claim files the Autosource
20 Reports, and, as necessary, the TLST field and the property damage claim file notes. Plaintiffs
21 may only use these three data sources from the claim files produced for the sample, and may not
22 share the complete claim files with their experts—only these three data sources. Defendants are
23 ORDERED to produce the claim files, TLST field, and property damage claim file notes within
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1 30 days of entry of this Order. Defendants may seek leave for additional time if they can
2 demonstrate good cause.

3 Further, should the Parties believe that any additional provisions to the existing protective
4 order in this case are necessary to address privacy and privilege issues in the claim files, they
5 must meet and confer to discuss any such changes before bringing a motion to amend the
6 protective order.

7 The clerk is ordered to provide copies of this order to all counsel.

8 Dated August 6, 2021.

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10 Marsha J. Pechman
11 United States Senior District Judge
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